

REMARKS

The Examiner, in paragraph 2 of the Official Action, rejected claims 1-19 under 35 USC § 102(e) as being anticipated by U.S. Publication 2002/0027567 to Niamir for the reasons set forth therein. In this regard Applicant respectfully submits that the Niamir reference does not teach or suggest the invention. In particular, Niamir is directed to publishing and searching of classified listings. This is in contrast to managing a particular digital media collection on a user computer to which the present invention is directed. In the present invention, a server communicates with a user computer over a communication network wherein the server has been given authorization for accessing the media collection. The server automatically and periodically accesses the collection without any further authorization by the user. As set forth in Niamir paragraph 33, the invention therein is directed to a method and apparatus for generating, maintaining, sharing and searching of classified listings. In the Niamir reference, as set forth in paragraph 4, each user at their own computer is forced to select a classification for each new listing on the user computer. Then as set forth in paragraph 53, each local listing server at each user computer sends their listing to a central search server 16. Thus, each user is required to upload their listing to the central search server (CSS). This is further supported by paragraph 57 wherein Niamir discloses that each local listing server 18 uploads identifying information about its locally stored listing 30 to one or more of CSS 16. This is in direct opposition to the present invention wherein it is the server that goes to the user computer to determine and control the collection in the user computer without any further authorization by the user. The Niamir reference operates in the opposite manner to which the present invention is directed.

Furthermore, the Niamir reference does not teach or suggest the limitation of claim 2 wherein the server automatically creates a copy of at least one digital image file in the digital image media collection wherein the copy has a lower resolution than that stored on the user computer. Since only the listing is forwarded to the CSS 16, there is no teaching or suggestion of copying and storing lower resolution image files as taught and claimed by Applicant. Here

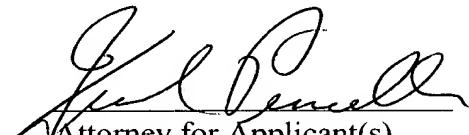
again the Niamir reference totally fails to teach or suggest the claimed limitation of claim 2.

Applicant has amended independent claim 12 to more clearly set forth the present invention. In particular, claim 12 has been amended to clearly set forth that the user provides an initial authorization for the server for accessing the collection and that there is provided a computer software program for controlling automatic periodic access over the communication network without any further authorization by the user. Claim 12 is patentably distinct over the cited art for the same reasons discussed with respect to claim 1.

Claim 18 is also directed to a method for managing digital image files on a user computer by a remote server. The method includes obtaining authorization for managing and accessing of digital images and periodically accessing the collection for managing images within the collection. There is no teaching or suggestion of managing the image collection on the user computer by the cited art.

In summary, Applicant respectfully submits that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Frank Pincelli
Attorney for Applicant(s)
Registration No. 27,370

Frank Pincelli/phw
Rochester, NY 14650
Telephone: 585-588-2728
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.